IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 10588 of 1994

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 of any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ARVINDKUMAR M PARMAR - Petitioner(s)

Versus

DIVISIONAL CONTROLLER GSRTC & 2 - Respondent(s)

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Appearance :

MR MUKESH H RATHOD for Petitioner No(s).: 1.
MR PRANAV G DESAI for Respondent No(s).: 1.

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CORAM :HON'BLE MR JUSTICE KS JHAVERI

Date : 24/06/2005

ORAL JUDGMENT

1.0 The petitioner herein has challenged the order dated 17.12.1993 passed by the Labour Court, Junagadh, in

Reference No.859 of 1990, whereby the said Reference was rejected.

2.0 The petitioner was working as a Conductor with the respondent Corporation. On 17.08.1984, while the petitioner was on duty, the bus was checked by the checking squad of the respondent Corporation. The checking squad of the respondent Corporation found irregularities in the issuance of tickets by the petitioner, and therefore, departmental inquiry was held against him. Pursuant to the departmental inquiry, the petitioner was dismissed from service on 13.05.1985.

2.1 Feeling aggrieved by the said order, the petitioner preferred reference before the Labour Court, Junagadh being Reference No.859 of 1990. The Labour Court, Junagadh, by impugned order rejected the said Reference of the petitioner. Hence, this petition.

3.0 I have heard learned counsel for the parties. Having gone through the impugned order passed by the Labour Court, it clearly transpires that the Reference of the petitioner was rejected mainly on the ground of his continuous misconduct. In the past also, the petitioner had committed irregularities, but, was let-off with a view to provide him an opportunity to improve himself. In spite of the said opportunities, the petitioner had continued with his illegal activities. Moreover, the petitioner was found guilty in the departmental inquiry held against him and was therefore dismissed from the service. In my opinion, the

reasonings given by the Labour Court in the impugned order are just and proper and require no interference from this Court in this petition. Hence, the petition is dismissed. Rule is discharged with no order as to costs.

(K. S. JHAVERI, J.)

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